

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN M. MORGAN,

Plaintiff,

v.

ERIC MORGENSEN, *et al.*,

Defendants.

No. C03-0132RSL

ORDER REOPENING CASE
AND ORDER REQUIRING
SUBMISSION OF JOINT STATUS
REPORT

In light of the October 6, 2006 opinion from the Ninth Circuit Court of Appeals, as amended on November 30, 2006, and its December 21, 2006 Mandate affirming this Court's denial of defendant Canady's motion for summary judgment, the Clerk of Court is directed to reopen this case.

JOINT STATUS REPORT

All counsel and any pro se parties are directed to confer and provide the Court with a combined Joint Status Report (the "Report") by February 12, 2007. This conference shall be by direct and personal communication, whether that be a face-to-face meeting or a telephonic conference. The Report will be used in setting a schedule for the prompt completion of the case. It must contain the following information by corresponding paragraph numbers:

1. A statement of the nature and complexity of all remaining issues.

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- 1 2. Whether any additional discovery is necessary and, if so, a proposed discovery
2 plan that indicates:
 - 3 A. The subjects on which discovery may be needed and whether discovery
4 should be conducted in phases or be limited to or focused upon particular
5 issues;
 - 6 B. What changes should be made in the limitations on discovery imposed
7 under the Federal and Local Civil Rules, and what other limitations should
8 be imposed;
 - 9 C. A statement of how discovery will be managed so as to minimize expense
10 (e.g., by foregoing or limiting depositions, exchanging documents
11 informally, *etc.*);
 - 12 D. Any other orders that should be entered by the Court under FRCP 26(c) or
13 under Local Rule CR 16(b) and (c); and
 - 14 E. The date by which the remainder of discovery can be completed.
- 15 3. What alternative dispute resolution procedures were used before the appeal and
16 whether the parties believe that additional settlement efforts would be beneficial.
- 17 4. Whether the parties agree that a full-time Magistrate Judge may conduct all
18 proceedings, including trial and the entry of judgment, under 28 U.S.C. § 636(c) and Local Rule
19 MJR 13. Agreement in the Report will constitute the parties' consent to referral of the case to a
20 full-time Magistrate Judge.
- 21 5. Whether the case should be bifurcated by trying the liability issues before the
22 damages issues, or bifurcated in any other way.
- 23 6. Any other suggestions for shortening or simplifying the case.
- 24 7. The date the case will be ready for trial.

8. Whether the trial will be jury or non-jury.

9. The number of trial days required.

10. The names, addresses, and telephone numbers of all trial counsel.

If the parties are unable to agree on any part of the Report, they may answer in separate paragraphs. No separate reports are to be filed.

The time for filing the Report may be extended only by Court order. Any request for extension should be made by telephone to Teri Roberts at 206-370-8810.

If the parties wish to have a status conference with the Court at any time during the pendency of this action, they should notify Teri Roberts at 206-370-8810.

ALTERATIONS TO ELECTRONIC FILING PROCEDURES

As of June 1, 2004, counsel shall be required to electronically file all documents with the Court. *Pro se* litigants may file either electronically or in paper form. Information and procedures for electronic filing can be found on the Western District of Washington's website at www.wawd.uscourts.gov. The following alterations to the Electronic Filing Procedures apply in all cases pending before Judge Lasnik:

- Section III, Paragraph F - when the aggregate submittal to the court (*i.e.*, the motion, any declarations and exhibits, the proposed order, and the certificate of service) exceeds **50** pages in length, a paper copy of the documents (with tabs or other organizing aids as necessary) shall be delivered to the Clerk's Office for chambers by 10:30 am the morning after filing. The chambers copy must be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

- Section III, Paragraph L - unless the proposed order is stipulated, agreed, or otherwise uncontested, the parties need not e-mail a copy of the order to the judge's e-mail address.

EARLY SETTLEMENT CONSIDERATION

When civil cases are settled early -- before they become costly and time-consuming -- all

1 parties and the court benefit. The Federal Bar Association Alternative Dispute Resolution Task
2 Force Report for this district stated:

3 [T]he major ADR related problem is not the percentage of civil cases that
4 ultimately settle, since statistics demonstrate that approximately 95% of all cases
5 are resolved without trial. However, the timing of settlement is a major concern.
6 Frequently, under our existing ADR system, case resolution occurs far too late,
7 after the parties have completed discovery and incurred substantial expenditure of
8 fees and costs.

9 The judges of this district have adopted a resolution "approving the Task Force's
10 recommendation that court-connected ADR services be provided as early, effectively, and
11 economically as possible in every suitable case."

12 The steps required by this Order are meant to help achieve that goal while preserving the
13 rights of all parties.

14 If settlement is achieved, counsel shall notify Kerry Simonds, deputy clerk, at 206-370-
15 8519.

16 SANCTIONS

17 A failure by any party to comply fully with this Order may result in the imposition of
18 sanctions.

19 DATED this 22nd day of January, 2007.

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21 Robert S. Lasnik
22 United States District Judge
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